

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANGEL RODRIGUEZ,

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES,  
LLC,

Defendant.

Case No. CV-11-00590 RSM

**DEFENDANT'S AMENDED ANSWER,  
AFFIRMATIVE DEFENSES, AND  
COUNTERCLAIM**

Defendant Portfolio Recovery Associates, LLC ("PRA") answers plaintiff's  
complaint as follows:

**INTRODUCTION**

1. Admits that the complaint purports to be based on the Fair Debt Collection  
Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA"), but denies any liability under or  
violation of the FDCPA.

2. Admits that the court generally has subject matter jurisdiction over FDCPA  
claims, but denies the remaining allegations in paragraph 2.

3. Admits that it is subject to the court's personal jurisdiction, but denies the  
remaining allegations in paragraph 3.

4. PRA lacks sufficient information to form a belief as to the truth of the  
allegations in paragraph 4 and, therefore, denies those allegations.

**PARTIES**

5. PRA lacks sufficient information to form a belief as to the truth of the allegations in paragraph 5 and, therefore, denies those allegations.

6. Admits that, when it engages in certain activities, it may fit the definition of "debt collector" under 15 U.S.C. §1692a(6). PRA denies the remaining allegations in paragraph 6.

7. Admits that it is a Delaware LLC with headquarters in Norfolk, Virginia.

8. Admits that it generally acts through its authorized agents and employees, but denies the remaining allegations in paragraph 8.

**FACTUAL ALLEGATIONS**

9. Admits that it uses the telephone number 412-282-1420 to place calls, but denies that it attempted to contact plaintiff for any reason. PRA further denies the remaining allegations in paragraph 9.

10. Admits that, in December 2010, it dialed a telephone number in the State of Washington seeking to reach a non-party to this action whose first name is Tracy; and that, in doing so, it may have reached plaintiff. PRA denies the remaining allegations in paragraph 10.

11. Denies the allegations in paragraph 11.

12. Denies the allegations in paragraph 12.

**COUNT I**

**FAIR DEBT COLLECTION PRACTICES ACT**

13. Denies the allegations in paragraph 13, including subparagraphs a. and b.

14. Denies that plaintiff is entitled to the relief sought in paragraph 14.

15. Denies that plaintiff is entitled to the relief sought in paragraph 15.

16. Denies that plaintiff is entitled to the relief sought in paragraph 16.



26. Based on the conduct described in paragraph 19 and the other facts set forth above, plaintiff has brought this action in bad faith and for the purpose of harassment. Accordingly, PRA is entitled to recover its attorney's fees and costs under 15 U.S.C. §1692k(a)(3).

**RESERVATION OF RIGHT TO AMEND**

PRA reserves its right to amend and to add further defenses or claims, as relevant information becomes available.

WHEREFORE, PRA prays for judgment in its favor and dismissal of plaintiff's claims with prejudice; for judgment in its favor on its counterclaim; for its attorney's fees, costs and disbursements; and for any further relief that the court decides is proper.

DATED: September 2, 2011

COSGRAVE VERGEER KESTER LLP

/s/ Robert E. Sabido

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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on September 2, 2011, I electronically filed the foregoing  
**DEFENDANT'S AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND**  
**COUNTERCLAIM** with the Clerk of the Court using the CM/ECF System which will send  
notification of such filing to the following:

Sharon Cousineau  
Cousineau Law Group, LLC  
700 West Evergreen Boulevard  
Vancouver, WA 98660  
Attorneys for Plaintiff

DATED: September 2, 2011

/s/ Robert E. Sabido  
Robert E. Sabido